

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

No. 20 CR 317-LTS

JAMES MAYO and JONATHAN SMITH,

Defendants.

-----X

ORDER

A pretrial conference is scheduled to take place via teleconference in the above captioned case on **December 7, 2020, at 9:00 a.m.** As requested, defense counsel will be given an opportunity to speak with their clients by telephone for fifteen minutes before the proceeding begins (i.e., at **8:45 a.m.**); defense counsel should make sure to answer the telephone number that was previously provided to Chambers at that time.

To access the call, the parties must dial **888-363-4734**, enter the access code **1527005#**, and the security code **3254#**. (Members of the press and public may call the same number, but will not be permitted to speak during the hearing.) In accordance with the Court's Emergency Individual Rules and Practices in Light of COVID-19, counsel should adhere to the following rules and guidelines during the conference:

1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.

3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are *required* to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings.

Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the defendants prior to the proceeding. If the defendants consent, and are able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form **at least 24 hours prior to the proceeding**. In the event a defendant consents, but counsel is unable to obtain or affix the defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

SO ORDERED.

Dated: New York, New York
December 3, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE
PRESENT AT A CRIMINAL
PROCEEDING**

JAMES MAYO and JONATHAN SMITH,
Defendants.

20-CR-317 (LTS)

-----X

Check Proceeding that Applies

_____ Arraignment

I have been given a copy of the Superseding Indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the Superseding Indictment and to have the Superseding Indictment read aloud to me if I wish. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the Superseding Indictment.
- 2) I do not need the judge to read the Superseding Indictment aloud to me.

Date: _____

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the Superseding Indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's physical absence.

Signature of Defense Counsel

Print Name

Date: _____

Accepted:

Signature of Judge

Date: _____